

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

MERISANT COMPANY,

Plaintiff,

vs.

McNEIL NUTRITIONALS LLC,

Defendant.

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Misc. 06-0029-WS-C

REPORT

In accordance with this Court's Order of September 27, 2006, the parties advise the Court as follows:

1. A copy of the Order from the Eastern District of Pennsylvania is attached. In that Order, the Court denied the Defendants' Motion for Protective Order as moot because Tate & Lyle Sucralose, Inc. agreed to provide to Merisant an existing promotional video of its manufacturing facility in McIntosh, Alabama.

2. This video was provided to Merisant on October 12, 2006.

3. A further report will be filed once a review of the video is completed by the Plaintiff and any remaining issues are resolved by the Eastern District of Pennsylvania, if necessary.

Respectfully submitted,

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Attorneys for Third-Party

Tate & Lyle Sucralose, Inc.

CERTIFICATE OF SERVICE

I do hereby certify that on October 18, 2006 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

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